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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/799,390

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Andrew Greene

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04/13/2009

KATTEN MUCHIN ROSENMAN LLP
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EXAMINER

KAZIMI, HANI M

ART UNIT

PAPER NUMBER

3691

MAIL DATE

DELIVERY MODE

04/13/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/799,390	Applicant(s) GREENE, ANDREW	
	Examiner Hani Kazimi	Art Unit 3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-10,13 and 15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-10,13 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is in response to Applicant's amendment filed on September 2, 2008. Claims 1-3 and 5-16 are pending. The rejections cited are as stated below:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 5-10, 13 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Ensel et al (US Pat No. 6493685).

Claims 1-3, 5-10, 13 and 15; Ensel teaches a method and corresponding system for utilizing an electronic bill presentation and payment ("EBPP") system, comprising: connecting from a user network device to an EBPP host said EBPP host connecting to a network server, *wherein the EBPP host is operated by the same institution as the network server (claim 15)* (Fig. 1, eles. 80 and 20, "IIP" and "customers"); said network server, receiving information for inclusion in an EBPP user interface ("UI") displayed as an EBPP website on the user network device accessed through the EBPP

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host, the UI configured to display financial institution information in a first portion of the UI, and configured to display billing party information in a second portion of the UI, and configured to display billing data in a third portion of the UI (col. 4, lines 17-38, col. 9, lines 56-67; col. 14, lines 8-29), *wherein the financial institution information comprises product/service promotional information of the financial institution (claims 2 and 9); wherein the billing party information comprises product/service promotional information, messages and links (claims 3 and 10)* (col. 5, lines 51-67, col. 14, lines 25-29); receiving user financial institution information for display in the first portion of the UI (col. 15, lines 12-16, col. 17, lines 30-40); transmitting to the billers a request for the billing information and billing data (col. 4, lines 17-38); receiving from the billers the billing party information for display in the second portion of the UI and billing data identifying one or more bills for display in the third portion of the UI (col. 4, lines 17-38, col. 9, lines 56-67; col. 14, lines 8-29); and the user transmits instructions using the EBPP UI to the financial institution to have one or more bills of the billing party paid and transmitting payment information back to the billing company and the network server(col. 11, lines 53-67).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 11 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ensel et al (US Pat No. 6493685).

Claim 11; Ensel does not explicitly teach that the UI content is developed using Macromedia Flash and other Macromedia product lines.

Official Notice is taken that Macromedia Flash and other Macromedia product lines, which is used as an alternative to JSP and Applets is old and well known in the art.

It would have been obvious to one of ordinary skilled in the art at the time the Applicant's invention was made to modify the teachings of Ensel to include the use of Macromedia Flash and other Macromedia product lines, because it provides convenience for both designers (comfortable authoring tool design capabilities) and developers (using drag and drop interface components and action script), it also allows

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applications to have quick loading and restricts network traffic only to essential data between client and sever.

Claims 14 and 16; Ensel does not explicitly teach that the EBPP host is a financial institution. However Ensel teaches at col. 2, lines 14-37 that this concept is old and well known. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ensel to include this feature for the obvious reason of avoiding cost associated with maintaining a biller's web site.

Response to Arguments

4. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hani Kazimi whose telephone number is (571) 272-6745. The examiner can normally be reached Monday-Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hani M. Kazimi/

Primary Examiner, Art Unit 3691